

Open Work Session

Discussion on Resolution No. 103-2019 – Appointing a Nominee to the Wicomico County Council

District 2 Seat Currently Vacant

July 16, 2019

Mr. McCain said this needs to be addressed at the Council level regarding the issue of the tie vote with trying to appoint a replacement. He said Mr. Cannon made the statement that this will go back to the Republican Central Committee, but he asked Mrs. Hurley what the process is, and she said the Charter does not actually address that. He clarified, the Charter does not say it goes back to the Central Committee. He said, with all due respect, the Council President has the authority to say what Council will do, but he thinks they need to talk about what they do. Mr. Holloway said he thinks they should go back to square one, and that means going back to the Central Committee, to which Mr. McCain responded, there is no way they can fairly do that between now and the end of the 45 days because that is only 12 days from now. Mr. Holloway said they have a list of 25 people, to which Mr. Dodd added, they already vetted it. Mr. McCain said, if it goes back, out of fairness, they would start the process, so they should then advertise they are taking applications. Mr. Dodd said they already have a list, to which Mr. McCain responded, that is not fair to the people who were on the list. Mr. Cannon clarified, that is what he said before. He said today they threw the baby out with the bathwater, so the Committee is going to have to come to Council with numbers 5, 6, 7 and 8. Mr. Davis then asked Mr. Cannon why, to which Mr. Cannon responded, because those are the people who applied and put their name forward. Mr. McCain asked why should anyone support the fifth, sixth, seventh and eighth name who the Central Committee determined not to be qualified, but not the four qualified candidates, to which Mr. Holloway responded, they did not say they were not qualified. Mrs. Hurley said she thinks they should get a legal opinion on this, to which Mr. McCain responded, that is what he is saying. He clarified, there is work that has to be done. Mr. Dodd said he thinks they should have a special election and let the voters decide. Mr. Holloway said they could clear this all up right now if they wanted to.

Mr. Cannon said he still thinks it is Council's responsibility to go back to the Central Committee and ask them to put forward names, and it is going to be their decision to tell Council if they cannot follow through. Mr. McCain said he thinks Mrs. Hurley has the right comment that they need to get a legal opinion on what happens, and they just simply have to follow what is supposed to happen. He said they are kind of guessing here as to maybe they do this or that, but they should just get a legal opinion, to which Mr. Cannon responded, he agrees. He said he was suggesting they take the time to get a legal opinion for the initial four candidates before they move forward, but they are where they are now. Mr. McCain said this might take some time. Mr. Cannon said the attorney who represents the Board of Elections for the State discussed with Mr. Wilber today that Council requested his opinion, and was told that somehow they came to the conclusion that it was a conflict of interest, but he has no idea how that could be. Mrs. Hurley said Mr. Wilber also represents Council, so she thinks they need to ask him for his legal opinion. Mr. Cannon said he thinks they need to know what transpired in that conversation that they came to the conclusion there was a conflict of interest, but they seriously need an opinion.

Mr. McCain said it might be the six of them until the next election, to which Mr. Cannon responded, they are not going to do that. Mr. McCain said it has been done before, and Mr. Taylor has already told them that. Mr. Holloway said Mrs. Hurley needs to ask if the County Council can initiate a special election, to which Mrs. Hurley responded, they are. She clarified, the Charter requires it, actually, for the vacancy. Mr. Holloway clarified, he is talking about a general election, to which Mr. Cannon responded, they could not do that. He then asked if Mr. Holloway realizes what the cost would be to do that, to


which Mr. Holloway responded, they are not getting anywhere with where they are at. Mr. Cannon said they will talk to legal about it, and he thinks they are going to throw it right back to Council. There was no further discussion.



John T. Cannon, President



Larry W. Dodd, Vice President, District 3



Ernest F. Davis, District 1



Josh Hastings, District 4



Joe Holloway, District 5



William R. McCain, At-Large



Laura Hurley, Council Administrator